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REMARKS

Claims 1-49 are pending in this application. Claims 1-49 were rejected under 35 U.S.C. §102(e) as being anticipated by Sistanizadeh. Claims 1, 14, 26, 29 and 39 are currently amended, support for which is in the specification at page 8, lines 23-28. Reconsideration and further examination are respectfully requested.

The presently claimed invention distinguishes Sistanizadeh because a new optical communication path can be provided both automatically, and without exposing the user to detailed network information. Sistanizadeh, like the current invention, is directed to facilitating provisioning of network services. However, Sistanizadeh does not teach provision of new optical pathways. Rather, Sistanizadeh is limited to reporting on performance of the network relative to an SLA, and bandwidth upgrade. See Col. 6, lines 51-56 and Col. 7, lines 2-12. Hence, Sistanizadeh still relies upon time-consuming manual establishment of new optical paths. Such paths are sometimes described as being “nailed up” because they are leased for extended periods of time, e.g., years. The presently claimed invention automates establishment of new optical paths in a manner that would allow, for example, an enterprise to lease an optical path for a dedicated purpose for a relatively short period of time, e.g., minutes. An enterprise might wish to do this, for example, once a day for ten minutes for data backup, thereby avoiding the expense of a nailed up path that would only be fully utilized for ten minutes per day. Further, this can be done without exposing sensitive information about the Service Provider network to the enterprise.

The claims have been amended to emphasize the distinguishing features described above. For example, claim 1 now recites “optical service logic for obtaining a new optical communication path from the optical communication network via the UNI based at least in-part on the network information related to the communication services and managing said optical communication path

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for the user, whereby the user need not have the network information in order to obtain a new optical communication path." Similarly, claim 14 now recites "an optical service agent for obtaining the new optical communication path from the optical communication network via a user-to-network interface (UNI) and managing said optical communication path for the user application, the optical service agent including network information related to communication paths and optical service logic for obtaining new optical communication paths from the optical communication network via the UNI based at least in-part on the network information related to the communication paths." Claims 26, 29 and 39 recite similar distinguishing language. Claims 2-13, 15-25, 27-28, 30-38, and 40-49 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. Withdrawal of the rejections of claims 1-49 is therefore requested.

Withdrawal of the Final rejection is also requested. In response to the previous amendment the Examiner now relies on a reference which was not previously cited. The Examiner suggests that the Amendment necessitated the new grounds of rejection. However, a conscientious reading of this application should have produced a more relevant reference such as Sistanizadeh from the initial search, and hence cited that reference with the initial OA. The application itself emphasizes automated provisioning in a manner which shields the enterprise from sensitive network information. Hence, it was the inadequate initial search which necessitated the new grounds of rejection.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 (X305) so that such issues may be resolved as expeditiously as possible.

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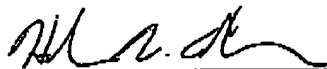
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For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

October 26, 2005  
Date

  
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